

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of NICHOLE LUKER, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MAUREEN STERNHAGEN,

Respondent-Appellant.

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UNPUBLISHED

September 28, 2006

No. 268456

Dickinson Circuit Court

Family Division

LC No. 04-000522-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument. MCR 7.214(E).

To terminate parental rights, the trial court must find that at least one of the statutory grounds contained in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). Once this has occurred, the trial court must terminate parental rights unless it finds that termination is clearly not in the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). We review the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Trejo*, *supra* at 356-357.

The trial court did not clearly err by finding that at least one statutory ground for termination of respondent's parental rights was established by clear and convincing evidence. The conditions leading to adjudication were respondent's actions in a prior protective proceeding in Wisconsin, concerning another child named Joshua. Respondent voluntarily relinquished her rights to Joshua after receiving many months of services. The Wisconsin record, forwarded to the trial court in this matter, showed that respondent had neglected Joshua in several ways and had repeatedly associated herself and Joshua with inappropriate or dangerous individuals.

In the present case, respondent's continued association with Nichole's father, who was alleged to have an extensive criminal record and a history of not providing for his children, similarly placed Nichole in contact with inappropriate individuals. Respondent failed to provide proper care or custody for Nichole by placing the child at risk from the destructive influences of

her father and her father's acquaintances. Although the trial court ordered respondent to end the relationship with Nichole's father, respondent failed to follow this order. Even after the trial court's order had issued, evidence was presented indicating that there had been hundreds of telephone contacts between respondent and the child's father. Given respondent's initial denial of her continued association with Nichole's father, the large number of telephone contacts between the two, and respondent's diagnosis of a personality disorder that was resistant to change, the trial court did not clearly err in finding that there was no reasonable expectation or likelihood that the conditions leading to adjudication would be timely rectified. Nor did the court clearly err in finding that respondent would not be able to provide proper care within a reasonable period of time.<sup>1</sup>

For the same reasons, the trial court properly determined that termination was not clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 354. The trial court did not clearly err in terminating respondent's rights to the minor child.

Affirmed.

/s/ Stephen L. Borrello  
/s/ Kathleen Jansen  
/s/ Jessica R. Cooper

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<sup>1</sup> Only one statutory ground for termination must be proved. *In re Jackson, supra* at 25. Thus, in light of our conclusion that the evidence supported termination under MCL 712A.19b(3)(c)(i) and (g), we need not address whether the evidence supported termination under MCL 712A.19b(3)(j). We further note that even if the evidence had not supported termination under subsections (c)(i), (g), or (j), the evidence would have clearly supported termination under MCL 712A.19b(3)(m), which provides for termination when a "parent's rights to another child were voluntarily terminated following the initiation of proceedings under . . . a similar law of another state." It is undisputed that respondent voluntarily relinquished her parental rights to Joshua in November 2003, following termination proceedings in Wisconsin.